

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 7, 2005.

Claims 1-12 are pending in the present application with claim 1 in independent form. By the present amendment, claims 1 and 5 have been amended in order to clarify the features of the present application.

The Examiner objects to the abstract of the disclosure as allegedly failing to include that which is new in the art to which the invention pertains.

Claims 1, 3-6 and 9 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 5 and 6 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1- 4 and 6-12 have been rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2002/0063788 to Kurashige

The Abstract has been amended in order to more fully identify features which are new in the art. It is respectfully submitted that the amendments to the Abstract made herein satisfactorily respond to the Office Action.

In light of the above, it is respectfully requested that the objection to the specification be withdrawn.

With regard to claims 1, 3-6 and 9, the Examiner contends that a single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. §112, first paragraph in accordance with MPEP §2164.08(a).

As noted above, claim 1 has been amended to further clarify the features of the present application. It is respectfully submitted that amended claim 1, and the claims depending therefrom, including claims 3-6 and 9, are no longer subject to rejection under 35 U.S.C. §112, first paragraph.

Accordingly, it is respectfully requested that the rejection of claims 1, 3-6 and 9 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claim 5 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. As noted above, claim 5 has been amended in order to further clarify the features of the present application. It is respectfully submitted that Claim 5, as amended herein, is fully supported by the written description.

Accordingly it is respectfully requested that the rejection of claim 5 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

With regard to the rejection of claims 5 and 6 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that the claims as amended herein particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Accordingly, it is respectfully requested that the rejection of claims 5 and 6 under 35 U.S.C. §112, second paragraph, be reconsidered and withdrawn.

Claims 1- 4 and 6-12 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2002/0063788 to Kurashige. The Examiner contends that Kurashige discloses an image processing device comprising an adjusting means for adjusting the gain of a prescribed color signal. The Examiner further contends that Kurashige discloses the features of claims 2-4 and 6-12. Applicant respectfully disagrees.

Claim 1, as amended herein, recites “An image processing device for an endoscope, wherein a wavelength band filter for shielding at least a part of the blue wavelength band is disposed in front of an image pickup element built into the endoscope, for image processing the signal output by said image pickup element, the device comprising: means for generating color image signals whilst switching between a normal-light image mode using white light and a fluorescence image mode including fluorescence information; and wherein said image processing device comprises adjusting means for adjusting the gain of a prescribed color signal of said color image signals.”

Kurashige, as understood by Applicants, relates to a video camera for which certain adjustments can be eliminated or reduced when the pickup block using a pickup element must be replaced, and a video signal meeting differing standards depending on the country in which the video signal is to be used or to which the camera is to be shipped, can be produced without the need for a number of different circuit boards. See Kurashige, paragraph [0001].

More specifically, Kurashige discloses processing circuits 202R, 202G and 202B which have gain control amplifiers 305R, 305G and 305B for making white balance adjustments etc. The processing circuits further include gain select circuits 306R, 306G and 306B for selecting a gain with respect to the output signal of the gain control amplifiers 305R, 305G and 305B. Using the gain select circuits 306R, 306G and 306B, a gain can be selected so that the levels of a red signal, a green signal, and a blue signal can be adjusted by increasing gain when the quantity of light is small and the subject is dark. See Kurashige, paragraph [0064].

Kurashige, however, fails to disclose “an image processing device for an endoscope” as recited in amended claim 1. As noted above, Kurashige relates to a video camera. Kurashige totally fails to mention an endoscope. Further, Kurashige fails to disclose an image processing device for an endoscope including “generating means adapted to generate color image signals whilst switching between a normal-light image mode using white light and a fluorescence image mode including fluorescence information” as recited in amended claim 1 of the present application. As noted above, Kurashige relates to a video camera. Kurashige makes no mention whatever of either a fluorescence image mode or fluorescence information as recited in claim 1 of the present application.

Thus, as noted above, Kurashige only discloses a video camera for producing a video signal meeting different standards for different countries to which the camera might be shipped, without any need to provide different circuit boards for the different countries.

In addition, Kurashige fails to disclose “an image processing device for an endoscope for image processing of a signal output by an image pickup element built into the endoscope, in which a wavelength band filter for shielding at least part of the blue wavelength band is provided at the front surface of the image pickup element built into the endoscope, and having means for generating color image signals while switching between a normal-light image mode using white light and a fluorescence image mode including fluorescence information”, as clearly and explicitly set forth in presently introduced claims 13-24 and other claims of the application.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, including claims 2-4 and 6-12, are patentable over the cited art for at least the reasons discussed above.

In light of the remarks and amendments made herein, it is respectfully submitted that claims 1-12 of the present application are patentable over the cited art and are in condition for allowance. These remarks are also applicable to newly introduced claims 13-24, the allowance of which is similarly earnestly requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 7, 2005:

Max Moskowitz

Name of applicant, assignee or
Registered Representative

Signature

December 7, 2005

Date of Signature

Respectfully submitted,

Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700